

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10994

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 15, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00118-CR-ORL-22-DAB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RACHEL BAKER,
WILLIAM E. BAKER,
CHARLES DEWEY TOBIAS, JR.,
RICHARD H. MACLEAN, JR.,

Defendants-Appellants.

Appeals from the United States District Court
for the Middle District of Florida

(May 15, 2006)

Before TJOFLAT, BARKETT and HILL, Circuit Judges.

PER CURIAM:

A jury found all appellants guilty of conspiring to obstruct justice, in violation of 18 U.S.C. § 371, and corruptly influencing the due administration of justice, in violation of 18 U.S.C. § 1503. The jury found appellants Edwin Baker, MacLean, and Tobias guilty of witness tampering, in violation of 18 U.S.C. § 1512(b), MacLean guilty of concealing an object to impair its availability to a grand jury, in violation of 18 U.S.C. § 1512(c), and Rachel Baker guilty of perjury before a grand jury, in violation of 18 U.S.C. § 1623, and assaulting, resisting and impeding federal agents, in violation of 18 U.S.C. § 111.

Appellants seek alternatively the reversal of their convictions and the entry of judgments of acquittal or a new trial. They present the following arguments, none of which warrants relief:

1. The indictment failed sufficiently to allege a federal offense.
2. The evidence was insufficient to convict.
3. The Government failed to produce evidence favorable to the defense.
4. The district court abused its discretion in refusing to disclose grand jury records to the defense.
5. The district court abused its discretion in allowing the jury access to certain tape recordings.
6. The cumulative effect of the court's errors denied appellants a fair trial.

7. The court denied Edwin Baker, Tobias, and MacLean their constitutional right to counsel.

8. At sentencing, the court increased appellants' offense levels, and thus their sentences, on the basis of clearly erroneous fact findings.

9. The court erred in imposing Edwin Baker's sentences consecutively to the sentence he was serving for tax evasion.

AFFIRMED.